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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,202	01/16/2002	Jean-Jacques Born	Q67916	3052
23373	7590	03/01/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PHAN, THANH S	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,202

Applicant(s)

BORN ET AL.

Examiner

Thanh S Phan

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/16/02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 22, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 2, there is no antecedent basis for "the confirmation and/or **validation**". Further, the claimed limitation is contradicted to the independent claim 1; wherein claim 1 the confirmation /activation mean is intended to be different from the touch-sensitive key.

Regarding claim 12, there is no antecedent basis for "the data inputting system".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 12-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besson [4,257,117].

Besson discloses an electronic watch having a case [6]; with touch sensitive/capacitive sensor keys [1-3] deposited on the lower surface of a crystal [4] for

controlling the functions of the watch; a display mean; an electronic data processing circuit identifying the touch-sensitive key activated by touching/applying force to said key switches/strain gauge with a finger to activate a selected function [figure 1].

As understood by the examiner, the touch sensitive keys are part of the timepiece; therefore touching/applying pressure on the keys accomplished the confirmation and/or activation of the electronic function, since applicant did not differentiated the selecting means/keys and confirmation and/or selecting mean (such as the **timepiece casing** as discloses in the specification).

Besson discloses the claimed invention except for means to emit an acoustic signal.

The examiner takes official notice that it is known in the horological art to include acoustic feedback to the user to indicate input data acceptance. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include such acoustic feedback in Besson as an indication a desire input was accepted. Furthermore, Besson discloses an electronic watch comprising electronic circuits, which is "**able**" to include means "**able**" to perform a function.

Regarding claims 3 and 4, Besson discloses wherein the switches/strain guage are in the casing but not its specific location.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to bonded the switches/strain guage to the back cover of the case, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Regarding claims 22-25, the method steps are necessitated by the apparatus structure.

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besson as applied to claim 1 above, and further in view of Brown [3,626,256].

Besson discloses the claimed invention except for the specific structure of the strain gauge.

Brown discloses a strain gauge device and a method of making the device comprising the usage of layers of ceramic and metal layers [abstract].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of Brown with Besson for the purpose of easily and simply bonding to the structural member to be measured.

Regarding claims 21, Besson discloses the claimed invention except for the display being an analogue time display.

It would have been obvious to one of ordinary in the art at the time of the invention was made to an analogue display mean since it was well known in the art for time displaying.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stewart [5,940,349]; Chiang [4,995,015]; Kuschel et al [5,742,564]; Iinuma [3,777,472].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp



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